

REMARKS

In response to the non-final Official Action of October 14, 2009, claims 1, 20 and 29 have been amended.

Claim Rejections - 35 USC §103

At section 6, claims 1, 4-9, 11-13, 18, 20-23, 28-29 and 31-38 are rejected under 35 USC §103(a) as anticipated in view of WO 00/49824, Naghian, in view of U.S. Patent 6,219,554, Eswara et al (hereinafter Eswara).

With respect to claim 1, it is asserted that Naghian discloses a method comprising checking whether QoS requirements of said first connection between said first entity and a second entity can still be guaranteed when transmission resources for a transmission between said first entity and a second entity are jointly used by said first connection and after establishment of said second connection, and controlling the use of at least one portion of said second transmission resources by at least one of said first and second connections, with specific reference to page 6, lines 12-19 and 29-34 of Naghian. It is asserted that Naghian does not specifically disclose the checking before the request, but in an analogous art, Eswara discloses checking before the request, with reference to the Abstract. Therefore, it is asserted it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine this teaching for the purpose of avoiding delays to the user. Applicant respectfully disagrees.

Naghian discloses a method for admission control in a cellular telecommunication system. Bearer requests resulting in the load being under a first predetermined limit are admitted. If a bearer request would result in the load being over the first predetermined limit, the admission control entity tries to make room for the bearer request, i.e. release resources without degrading the quality of service (QoS) provided for the existing bearers (see Abstract). For this purpose, an admission control entity calculates a result load estimate based on the current load and the bearer request, wherein the resulting load estimate comprises the transmission i.e. interference powers of both existing bearer and the new bearer(s) (see Naghian, page 6, lines 12-15).

Eswara is directed to Dynamic Frequency Association ("DFA") techniques comprising "fixed channel allocation" ("FCA") and distributed channel borrowing techniques using a segregation scheme. The DFA technique can be used autonomously to dynamically determine the best channels for a cell cluster. Additionally, a method of minimizing search delays at channel assignment by employing a channel usage history is disclosed. Each cell is assigned its nominal channels, if any, from the available frequency spectrum, with a fixed radio assigned to each of these frequencies, respectively. Additionally, each cell is equipped with one or more radios designated as "DFA radios." In operation, idle DFA radios scan channels that may be borrowed from other cells, for example, in order to build a probability matrix (Eswara, Abstract; column 2, lines 33-44).

The "checking" that is disclosed by Eswara is distinct from the feature of claim 1 of checking before a second connection between a first entity and a second entity has been requested, whether quality of service requirements of a first connection that exists between said first entity and said second entity can still be guaranteed when transmission resources for a transmission between said first entity and said second entity are jointly used by said first connection. In Eswara, there is no checking that relates to a second connection between a first and second entity, when there is also an existing first connection between the same two first and second entities. Idle DFA radios in a particular cell scan channels in other cells to enable the cell to determine which channels it can borrow from other cells to use for traffic prior to actual channel request by a mobile. The purpose of this scan is to reduce search delay, not to reserve resources for a second connection. This scanning, in fact, does not pertain to any particular connection or connections, nor does it pertain to particular entities.

Therefore, because Eswara does not disclose "checking, before a second connection between a first entity and a second entity has been requested," it is respectfully submitted that the combination of Naghian and Eswara does not render obvious the subject matter of claim 1. To emphasize these distinguishing features of the present invention, claim 1 has been amended to particularly point out and claim that the first connection between a first entity and a second entity exists before a second connection is

established, and that if established, the second connection between the first entity and the second entity jointly uses the transmission resources with the first connection. Similar amendments have been made to independent claims 20 and 29.

Because amended independent claims 20 and 29 comprise similar subject matter to that of claim 1, it is respectfully submitted that claims 20 and 29 are also not obvious in view of Naghian and Eswara and are in allowable form.

Since each of the independent claims of the present application are believed to be allowable, it is respectfully submitted that the dependent claims thereto are also allowable at least in view of such dependency.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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